

95TH GENERAL ASSEMBLY State of Illinois 2007 and 2008 HB1123

by Rep. Mike Boland

SYNOPSIS AS INTRODUCED:

See Index

Amends the Election Code. Provides for the use of mail-in ballots for the general primary held in 2008 in a county selected by the State Board of Elections. Provides that the election authority shall mail ballots to each registered voter not more than 40 nor less than 5 days before the date of the election. Establishes procedures for the return of the ballots. Provides for the delivery of ballots to the judges of election. Provides for the casting of mail-in ballots. Provides that the State Board of Elections shall adopt rules and procedures for the implementation of the use of mail-in ballots within 270 days after the effective date of the bill. Requires the State Board to report to the General Assembly on the problems and successes of conducting the election by mail. Contains other provisions. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 07976 JAM 28138 b

1 AN ACT concerning elections.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

- Section 5. The Election Code is amended by changing Sections 4-11, 7-5, 7-15, 7-16, 13-1, 13-2, 14-1, 14-3.1, 24A-6, and 24B-6 and adding the Article 19B heading and Sections 19B-5, 19B-10, 19B-15, 19B-20, 19B-25, 19B-30, 19B-35, 19B-40, 19B-45, 19B-50, 19B-55, and 19B-60 as follows:
- 9 (10 ILCS 5/4-11) (from Ch. 46, par. 4-11)

Sec. 4-11. At least 2 weeks prior to the general November 10 election in each even numbered year and the consolidated 11 election in each odd-numbered year the county clerk shall cause 12 a list to be made for each precinct of all names upon the 13 14 registration record cards not marked or erased, in alphabetical order, with the address, provided, that such list may be 15 16 arranged geographically, by street and number, in numerical 17 order, with respect to all precincts in which all, or substantially all residences of voters therein shall be located 18 19 upon and numbered along streets, avenues, courts, or other 20 highways which are either named or numbered, upon direction 21 either of the county board or of the circuit court. On the 22 list, the county clerk shall indicate, by italics, asterisk, or other means, the names of all persons who have registered since 23

the last regularly scheduled election in the consolidated schedule of elections established in Section 2A-1.1 of this Act. The county clerk shall cause such precinct lists to be printed or typed in sufficient numbers to meet all reasonable demands, and upon application a copy of the same shall be given to any person applying therefor. By such time, the county clerk shall give the precinct lists to the chairman of a county central committee of an established political party, as such party is defined in Section 10-2 of this Act, or to the chairman's duly authorized representative. Within 30 days of the effective date of this Amendatory Act of 1983, the county clerk shall give the precinct lists compiled prior to the general November election of 1982 to the chairman of county central committee of an established political party or to the chairman's duly authorized representative.

Subject to the provisions of Article 19B, prior to the opening of the polls for other elections, the county clerk shall transmit or deliver to the judges of election of each polling place a corrected list of registered voters in the precinct, or the names of persons added to and erased or withdrawn from the list for such precinct. At other times such list, currently corrected, shall be kept available for public inspection in the office of the county clerk.

Within 60 days after each general election the county clerk shall indicate by italics, asterisk, or other means, on the list of registered voters in each precinct, each registrant who

- 1 voted at that general election, and shall provide a copy of
- 2 such list to the chairman of the county central committee of
- 3 each established political party or to the chairman's duly
- 4 authorized representative.
- 5 Within 60 days after the effective date of this amendatory
- 6 Act of 1983, the county clerk shall indicate by italics,
- 7 asterisk, or other means, on the list of registered voters in
- 8 each precinct, each registrant who voted at the general
- 9 election of 1982, and shall provide a copy of such coded list
- 10 to the chairman of the county central committee of each
- 11 established political party or to the chairman's duly
- 12 authorized representative.
- The county clerk may charge a fee to reimburse the actual
- 14 cost of duplicating each copy of a list provided under either
- of the 2 preceding paragraphs.
- 16 (Source: P.A. 90-358, eff. 1-1-98.)
- 17 (10 ILCS 5/7-5) (from Ch. 46, par. 7-5)
- 18 Sec. 7-5. (a) Primary elections shall be held on the dates
- 19 prescribed in Article 2A.
- 20 (b) Notwithstanding the provisions of any other statute, no
- 21 primary shall be held for an established political party in any
- township, municipality, or ward thereof, where the nomination
- of such party for every office to be voted upon by the electors
- 24 of such township, municipality, or ward thereof, is
- 25 uncontested. Whenever a political party's nomination of

candidates is uncontested as to one or more, but not all, of the offices to be voted upon by the electors of a township, municipality, or ward thereof, then a primary shall be held for that party in such township, municipality, or ward thereof; provided that the primary ballot shall not include those offices within such township, municipality, or ward thereof, for which the nomination is uncontested. For purposes of this Article, the nomination of an established political party of a candidate for election to an office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such party for election to such office.

- (c) Notwithstanding the provisions of any other statute, no primary election shall be held for an established political party for any special primary election called for the purpose of filling a vacancy in the office of representative in the United States Congress where the nomination of such political party for said office is uncontested. For the purposes of this Article, the nomination of an established political party of a candidate for election to said office shall be deemed to be uncontested where not more than the number of persons to be nominated have timely filed valid nomination papers seeking the nomination of such established party for election to said office. This subsection (c) shall not apply if such primary election is conducted on a regularly scheduled election day.
 - (d) Notwithstanding the provisions in subsection (b) and

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(c) of this Section whenever a person who has not timely filed valid nomination papers and who intends to become a write-in candidate for a political party's nomination for any office for which the nomination is uncontested files a written statement or notice of that intent with the State Board of Elections or the local election official with whom nomination papers for such office are filed, a primary ballot shall be prepared and a primary shall be held for that office. Such statement or notice shall be filed on or before the date established in this Article for certifying candidates for the primary ballot. Such statement or notice shall contain (i) the name and address of the person intending to become a write-in candidate, (ii) a statement that the person is a qualified primary elector of the political party from whom the nomination is sought, (iii) a statement that the person intends to become a write-in candidate for the party's nomination, and (iv) the office the person is seeking as a write-in candidate. An election authority shall have no duty to conduct a primary and prepare a primary ballot for any office for which the nomination is uncontested, unless a statement or notice meeting the requirements of this Section is filed in a timely manner.

(e) Except for the general primary election conducted under Article 19B, the polls shall be open from 6:00 a.m. to 7:00 p.m. The State Board of Elections shall adopt rules for the conduct of the election under Article 19B.

(Source: P.A. 86-873.)

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(10 ILCS 5/7-15) (from Ch. 46, par. 7-15)

Sec. 7-15. At least 60 days prior to each general and consolidated primary, the election authority shall provide public notice, calculated to reach elderly and handicapped voters, of the availability of registration and voting aids under the Federal Voting Accessibility for the Elderly and Handicapped Act, of the availability of assistance in marking the ballot, procedures for voting by absentee ballot, and procedures for early voting by personal appearance. At least 20 days before the general primary the county clerk of each county, and not more than 30 nor less than 10 days before the consolidated primary the election authority, shall prepare in the manner provided in this Act, a notice of such primary which notice shall state the time and place of holding the primary, the procedures for using mail-in ballots in the election subject to Article 19B, the hours during which the polls will be open, the offices for which candidates will be nominated at such primary and the political parties entitled to participate therein, notwithstanding that no candidate of any such political party may be entitled to have his name printed on the primary ballot. Such notice shall also include the list of addresses of precinct polling places for the consolidated primary unless such list is separately published by the election authority not less than 10 days before the consolidated primary.

In counties, municipalities, or towns having fewer than 500,000 inhabitants notice of the general primary shall be published once in two or more newspapers published in the county, municipality or town, as the case may be, or if there is no such newspaper, then in any two or more newspapers published in the county and having a general circulation throughout the community.

In counties, municipalities, or towns having 500,000 or more inhabitants notice of the general primary shall be published at least 15 days prior to the primary by the same authorities and in the same manner as notice of election for general elections are required to be published in counties, municipalities or towns of 500,000 or more inhabitants under this Act.

Notice of the consolidated primary shall be published once in one or more newspapers published in each political subdivision having such primary, and if there is no such newspaper, then published once in a local, community newspaper having general circulation in the subdivision, and also once in a newspaper published in the county wherein the political subdivisions, or portions thereof, having such primary are situated.

23 (Source: P.A. 94-645, eff. 8-22-05.)

- 24 (10 ILCS 5/7-16) (from Ch. 46, par. 7-16)
- 25 Sec. 7-16. Each election authority in each county shall

- 1 prepare and cause to be printed the primary ballot of each
- 2 political party for each precinct in his respective
- 3 jurisdiction.
- 4 The election authority shall, at least 45 days prior to the
- 5 date of the primary election, have a sufficient number of
- 6 ballots printed so that such ballots will be available for
- 7 mailing 45 days prior to the primary election to persons who
- 8 have filed application for a ballot under the provisions of
- 9 Article 20 of this Act.
- If a general primary election is subject to the provisions
- of Article 19B, the election authority shall, not more than 40
- 12 <u>nor less than 5 days before the date of the election, mail a</u>
- 13 ballot to each registered voter.
- 14 (Source: P.A. 80-1469.)
- 15 (10 ILCS 5/13-1) (from Ch. 46, par. 13-1)
- Sec. 13-1. In counties not under township organization, the
- 17 county board of commissioners shall at its meeting in July in
- 18 each even-numbered year appoint in each election precinct 5
- 19 capable and discreet persons meeting the qualifications of
- 20 Section 13-4 to be judges of election. Where neither voting
- 21 machines nor electronic, mechanical or electric voting systems
- are used, the county board may, for any precinct with respect
- to which the board considers such action necessary or desirable
- 24 in view of the number of voters, and shall for general
- 25 elections for any precinct containing more than 600 registered

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voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2, shall count the vote after the closing of the polls. However, the County Board of Commissioners may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose. If a general primary election is conducted under Article 19B, the County Board of Commissioners shall appoint a team of 5 tally judges to serve in lieu of the 5 judges of election otherwise required by this Section. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

In addition to such precinct judges, the county board of commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be

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determined by regulations of the State Board of Elections which shall base the required numbers of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections, or any combination

Such appointment shall be confirmed by the court as provided in Section 13-3 of this Article. No more than 3 persons of the same political party shall be appointed judges of the same election precinct or election judge panel. The appointment shall be made in the following manner: The county board of commissioners shall select and approve 3 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the first leading political party in such precinct; and the county board of commissioners shall also select and approve 2 persons as judges of election in each election precinct from a certified list, furnished by the chairman of the County Central Committee of the second leading political party. However, if only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. Such certified list shall be filed with the county clerk not

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less than 10 days before the annual meeting of the county board of commissioners. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The county board of commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or such list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board of commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1. The election judges shall hold their office for 2 years from their appointment, and until their successors are duly appointed in the manner provided in this Act. The county board of commissioners shall fill all vacancies in the office of judge of election at any time in the manner provided in this Act.

26 (Source: P.A. 94-1000, eff. 7-3-06.)

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(10 ILCS 5/13-2) (from Ch. 46, par. 13-2)

Sec. 13-2. In counties under the township organization the county board shall at its meeting in July in each even-numbered year except in counties containing a population of 3,000,000 inhabitants or over and except when such judges are appointed by election commissioners, select in each election precinct in the county, 5 capable and discreet persons to be judges of election who shall possess the qualifications required by this Act for such judges. Where neither voting machines nor electronic, mechanical or electric voting systems are used, the county board may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the election during the hours the polls are open, and the tally judges, with the assistance of the holdover judges designated pursuant to Section 13-6.2, shall count the vote after the closing of the polls. The tally judges shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for judges of election.

However, the county board may appoint 3 judges of election to serve in lieu of the 5 judges of election otherwise required

by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United States Congress or to nominate candidates for such purpose.

If a general primary election is conducted under Article 19B, the county board shall appoint a team of 5 tally judges to serve in lieu of the 5 judges of election otherwise required by this Section.

In addition to such precinct judges, the county board shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulations of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors.

No more than 3 persons of the same political party shall be appointed judges in the same election district or undivided precinct. The election of the judges of election in the various election precincts shall be made in the following manner: The county board shall select and approve 3 of the election judges in each precinct from a certified list furnished by the chairman of the County Central Committee of the first leading

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political party in such election precinct and shall also select and approve 2 judges of election in each election precinct from a certified list furnished by the chairman of the County Central Committee of the second leading political party in such election precinct. However, if only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct; and which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined in the same manner as set forth in the next two preceding sentences with regard to 5 election judges in each precinct. The respective County Central Committee chairman shall notify the county board by June 1 of each odd-numbered year immediately preceding the annual meeting of the county board whether or not such certified list will be filed by such chairman. Such list shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2

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judges. Such certified list, if filed, shall be filed with the county clerk not less than 20 days before the annual meeting of the county board. The county board shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is filed or the list is incomplete (that is, no names or an insufficient number of names are furnished for certain election precincts), the county board shall make or complete such list from the names contained in the supplemental list provided for in Section 13-1.1. Provided, further, that in any case where a township has been or shall be redistricted, in whole or in part, subsequent to one general election for Governor, and prior to the next, the judges of election to be selected for all new or altered precincts shall be selected in that one of the methods above detailed, which shall be applicable according to the facts and circumstances of the particular case, but the majority of such judges for each such precinct shall be selected from the first leading political party, and the minority judges from the second leading political party. Provided, further, that in counties having a population of 1,000,000 inhabitants or over the selection of judges of election shall be made in the same manner in all respects as in other counties, except that the provisions relating to tally judges are inapplicable to such counties and except that the county board shall meet during the month of January for the purpose of making such selection and

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the chairman of each county central committee shall notify the county board by the preceding October 1 whether or not the certified list will be filed. Such judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner provided in this Act. The county board shall fill all vacancies in the office of judges of elections at any time in the manner herein

9 Such selections under this Section shall be confirmed by 10 the circuit court as provided in Section 13-3 of this Article.

11 (Source: P.A. 94-1000, eff. 7-3-06.)

12 (10 ILCS 5/14-1) (from Ch. 46, par. 14-1)

Sec. 14-1. (a) The board of election commissioners established or existing under Article 6 shall, at the time and in the manner provided in Section 14-3.1, select and choose 5 persons, men or women, as judges of election for each precinct in such city, village or incorporated town.

Where neither voting machines nor electronic, mechanical or electric voting systems are used, the board of election commissioners may, for any precinct with respect to which the board considers such action necessary or desirable in view of the number of voters, and shall for general elections for any precinct containing more than 600 registered voters, appoint in addition to the 5 judges of election a team of 5 tally judges. In such precincts the judges of election shall preside over the

election during the hours the polls are open, and the tally
judges, with the assistance of the holdover judges designated
pursuant to Section 14-5.2, shall count the vote after the
closing of the polls. The tally judges shall possess the same
qualifications and shall be appointed in the same manner and
with the same division between political parties as is provided
for judges of election. The foregoing provisions relating to
the appointment of tally judges are inapplicable in counties
with a population of 1,000,000 or more.

If a general primary election is conducted under Article

19B, the board of election commissioners shall appoint a team
of 5 tally judges to serve in lieu of the 5 judges of election
otherwise required by this Section.

- (b) To qualify as judges the persons must:
 - (1) be citizens of the United States;
- (2) be of good repute and character;
- 17 (3) be able to speak, read and write the English
 18 language;
 - (4) be skilled in the 4 fundamental rules of arithmetic;
 - (5) be of good understanding and capable;
 - (6) not be candidates for any office at the election and not be elected committeemen;
 - (7) reside and be entitled to vote in the precinct in which they are selected to serve, except that in each precinct not more than one judge of each party may be

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1	appointed from outside such precinct. Any judge so
2	appointed to serve in any precinct in which he is not
3	entitled to vote must be entitled to vote elsewhere within
4	the county which encompasses the precinct in which such
5	judge is appointed and such judge must otherwise meet the
6	qualifications of this Section.

- (c) An election authority may establish a program to permit a person who is not entitled to vote to be appointed as an election judge if, as of the date of the election at which the person serves as a judge, he or she:
 - (1) is a U.S. citizen;
 - (2) is a senior in good standing enrolled in a public or private secondary school;
 - (3) has a cumulative grade point average equivalent to at least 3.0 on a 4.0 scale;
 - (4) has the written approval of the principal of the secondary school he or she attends at the time of appointment;
- (5) has the written approval of his or her parent or legal quardian;
- (6) has satisfactorily completed the training course for judges of election described in Sections 13-2.1, 13-2.2, and 14-4.1; and
- 24 (7) meets all other qualifications for appointment and 25 service as an election judge.
- No more than one election judge qualifying under this

- 1 subsection may serve per political party per precinct. Prior to
- 2 appointment, a judge qualifying under this subsection must
- 3 certify in writing to the election authority the political
- 4 party the judge chooses to affiliate with.
- 5 Students appointed as election judges under this
- 6 subsection shall not be counted as absent from school on the
- 7 day they serve as judges.
- 8 (d) The board of election commissioners may select 2
- 9 additional judges of election, one from each of the major
- 10 political parties, for each 200 voters in excess of 600 in any
- 11 precinct having more than 600 voters as authorized by Section
- 12 11--3. These additional judges must meet the qualifications
- 13 prescribed in this Section.
- 14 (Source: P.A. 91-352, eff. 1-1-00.)
- 15 (10 ILCS 5/14-3.1) (from Ch. 46, par. 14-3.1)
- Sec. 14-3.1. The board of election commissioners shall,
- during the month of July of each even-numbered year, select for
- each election precinct within the jurisdiction of the board 5
- 19 persons to be judges of election who shall possess the
- 20 qualifications required by this Act for such judges. The
- 21 selection shall be made by a county board of election
- 22 commissioners in the following manner: the county board of
- election commissioners shall select and approve 3 persons as
- 24 judges of election in each election precinct from a certified
- 25 list furnished by the chairman of the county central committee

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of the first leading political party in that precinct; the county board of election commissioners also shall select and approve 2 persons as judges of election in each election precinct from a certified list furnished by the chairman of the county central committee of the second leading political party in that precinct. The selection by a municipal board of election commissioners shall be made in the following manner: for each precinct, 3 judges shall be selected from one of the 2 leading political parties and the other 2 judges shall be selected from the other leading political party; the parties entitled to 3 and 2 judges, respectively, in the several precincts shall be determined as provided in Section 14-4. However, a Board of Election Commissioners may appoint three judges of election to serve in lieu of the 5 judges of election otherwise required by this Section to serve in any emergency referendum, or in any odd-year regular election or in any special primary or special election called for the purpose of filling a vacancy in the office of representative in the United

If a general primary election is conducted under Article 19B, a Board of Election Commissioners shall appoint a team of 5 tally judges to serve in lieu of the 5 judges of election otherwise required by this Section.

States Congress or to nominate candidates for such purpose.

If only 3 judges of election serve in each election precinct, no more than 2 persons of the same political party shall be judges of election in the same election precinct, and

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which political party is entitled to 2 judges of election and which political party is entitled to one judge of election shall be determined as set forth in this Section for a county board of election commissioners' selection of 5 election judges in each precinct or in Section 14-4 for a municipal board of election commissioners' selection of election judges in each precinct, whichever is appropriate. In addition to such precinct judges, the board of election commissioners shall appoint special panels of 3 judges each, who shall possess the same qualifications and shall be appointed in the same manner and with the same division between political parties as is provided for other judges of election. The number of such panels of judges required shall be determined by regulation of the State Board of Elections, which shall base the required number of special panels on the number of registered voters in the jurisdiction or the number of absentee ballots voted at recent elections or any combination of such factors. A municipal board of election commissioners shall make the selections of persons qualified under Section 14-1 from certified lists furnished by the chairman of the respective county central committees of the 2 leading political parties. Lists furnished by chairmen of county central committees under this Section shall be arranged according to precincts. The chairman of each county central committee shall, insofar as possible, list persons who reside within the precinct in which they are to serve as judges. However, he may, in his sole

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discretion, submit the names of persons who reside outside the precinct but within the county embracing the precinct in which they are to serve. He must, however, submit the names of at least 2 residents of the precinct for each precinct in which his party is to have 3 judges and must submit the name of at least one resident of the precinct for each precinct in which his party is to have 2 judges. The board of election commissioners shall no later than March 1 of each even-numbered year notify the chairmen of the respective county central committees of their responsibility to furnish such lists, and each such chairman shall furnish the board of election commissioners with the list for his party on or before May 1 of each even-numbered year. The board of election commissioners shall acknowledge in writing to each county chairman the names of all persons submitted on such certified list and the total number of persons listed thereon. If no such list is furnished or if no names or an insufficient number of names are furnished for certain precincts, the board of election commissioners shall make or complete such list from the names contained in the supplemental list provided for in Section 14-3.2. Judges of election shall hold their office for 2 years from their appointment and until their successors are duly appointed in the manner herein provided. The board of election commissioners shall, subject to the provisions of Section 14-3.2, fill all vacancies in the office of judges of election at any time in the manner herein provided.

- 1 Such selections under this Section shall be confirmed by
- 2 the court as provided in Section 14-5.
- 3 (Source: P.A. 94-1000, eff. 7-3-06.)
- 4 (10 ILCS 5/Art.19B heading new)
- 5 <u>Article 19B. MAIL-IN BALLOTS FOR THE GENERAL PRIMARY ELECTION</u>
- 6 (10 ILCS 5/19B-5 new)
- 7 Sec. 19B-5. Pilot program; voting in the general primary
- 8 election. In the year 2008, the State Board of Elections shall
- 9 select one county with a population of less than 3,000,000 for
- 10 a pilot program using mail-in ballots. Any qualified elector of
- 11 that county may vote at the general primary election for
- offices listed in subsection (b) of Section 2A-1.2 through
- 13 ballots mailed to the voter and returned to the proper election
- 14 authority by mail.
- 15 Each election authority in the county participating in the
- 16 program shall compile and keep current a list of voters who are
- 17 eligible to vote under this Article. The list shall include the
- 18 last mailing address of each voter.
- 19 (10 ILCS 5/19B-10 new)
- Sec. 19B-10. Time for mailing ballots. The election
- 21 authority, not more than 40 nor less than 5 days before the
- general primary election held in March of 2006, shall mail,
- 23 postage prepaid, an official ballot, or ballots if more than

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1	One a	ra to	n he	770+pd	a t	t h 🗅	alaction	+ 0	Pach	registered	woter

- 2 eligible to vote under this Article. The ballot or ballots
- 3 <u>shall be mailed to each voter's last mailing address and shall</u>
- 4 be marked "DO NOT FORWARD ADDRESS CORRECTION REQUESTED" or
- 5 any other similar statement that is in accordance with United
- 6 States postal service regulations.
- 7 The election authority shall maintain a list for each
- 8 election of the voters to whom ballots have been issued. The
- 9 <u>list shall be maintained for each precinct within the</u>
- jurisdiction of the election authority.
- 11 (10 ILCS 5/19B-15 new)
- Sec. 19B-15. Enclosure of ballots in unsealed envelope;
- 13 certification; instructions for marking and returning ballots.
- 14 The election authority shall fold the ballot or ballots in the
- 15 manner specified by the statute for folding ballots prior to
- their deposit in the ballot box, and shall enclose the ballot
- 17 or ballots in an unsealed envelope to be furnished by the
- 18 election authority. The envelope shall bear on its face the
- 19 name, official title, and post office address of the election
- 20 authority.
- 21 The printed certificate on the envelope shall be in
- 22 substantially the following form:
- "I state that I am a resident of the precinct of
- 24 the (1)* township of (2)* city of (3)*
- 25 ward in the city of residing at

1	in the city or town in the county of and
2	State of Illinois, that I have lived at the address for
3	months last past; and that I am lawfully entitled to vote in
4	the precinct at the election to be held on
5	* fill in either (1), (2), or (3).
6	I further state that I personally marked the enclosed
7	ballot in secret. If I received assistance in casting my
8	ballot, I further attest that, due to physical incapacity, I
9	marked the enclosed ballot in secret with the assistance of
10	
11	<u></u>
12	(Individual rendering assistance)
13	
14	<u></u>
15	(Residence address)
16	
	Under penalties of perjury provided by law under Section
17	Under penalties of perjury provided by law under Section 29-10 of the Election Code, the undersigned certifies that the
17	29-10 of the Election Code, the undersigned certifies that the
17 18	29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and
17 18 19	29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and
17 18 19 20	29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.
17 18 19 20 21	29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.
17 18 19 20 21 22	29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct. In addition, the election authority shall provide printed

same time the ballot is mailed to the voter. The instructions

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shall include the following statement: "In signing the certification on the ballot envelope, you are attesting that you personally marked this ballot in secret. If you are physically unable to mark the ballot, a friend or relative may assist you after completing the enclosed affidavit. Federal and State laws prohibit your employer, your employer's agent, or an officer or agent of your union from assisting physically disabled voters."

In addition, if a ballot to be provided to a voter under this Section contains a public question described in subsection (b) of Section 28-6 and the territory concerning the question to be submitted is not described on the ballot due to that space limitations of the ballot, the election authority shall provide a printed copy of the notice of the public question, which shall included a description of the territory in the manner required by Section 16-7. The notice shall be furnished to the voter at the time the ballot is mailed to the voter.

(10 ILCS 5/19B-20 new)

Sec. 19B-20. Certification of voters; return of ballots. The voter shall make and subscribe to the certification provided for on the return envelope for the ballot, and the ballot or ballots shall be folded by the voter in the manner required to be folded before depositing the ballot in the ballot box, and shall be deposited in the envelope and the envelope securely sealed. The voter shall then endorse his or

1	her certificate on the back of the envelope, and the envelope
2	shall be mailed by the voter, postage prepaid, to the election
3	authority issuing the ballot, or if more convenient, it may be
4	delivered in person, by either the voter or by a spouse,
5	parent, child, brother, or sister of the voter, or by a company
6	licensed by the Illinois Commerce Commission under the Illinois
7	Commercial Transportation Law that is engaged in the business
8	of making deliveries. If a voter gives his or her ballot and
9	ballot envelope to a spouse, parent, child, brother, or sister
10	of the voter, or to a company that is engaged in the business
11	of making deliveries for delivery to the election authority,
12	the voter shall give an authorization form to the person making
13	the delivery. The person making the delivery shall present the
14	authorization to the election authority. The authorization
15	shall be in substantially the following form:
16	"I (voter) authorize
17	to take my ballot to the office of the election authority.
18	<u></u> <u></u>
19	<u>Date</u> <u>Signature of voter</u>
20	<u></u> <u></u>
21	<u>Town</u> <u>Address</u>
22	<u></u> <u></u>
23	<u>Date</u> <u>Signature of authorized</u>
24	<u>Individual</u>
25	<u></u>
26	Town Relationship (if any)"

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(10 ILCS 5/19B-25 new) 1

> Sec. 19B-25. Receipt of ballots. Upon receipt of the voter's ballot, the election authority shall enclose the unopened ballot in a large or carrier envelope that shall be securely sealed and endorsed with the name and official title of the officer and the words, "This envelope contains a ballot and must be opened on election day", together with the number and description of the precinct in which the ballot is to be voted, and the officer shall safely keep the envelope in his or her office until counted as provided in Section 19B-30.

11 (10 ILCS 5/19B-30 new)

> Sec. 19B-30. Counting of ballots. The ballots received by the election authority before 7:00 p.m. of the day of the general primary election shall be counted at the office of the election authority by the tally judges, appointed under this Code for that purpose. The counting shall commence no later than 8:00 p.m. The counting shall continue until all ballots received have been counted.

> The procedures set forth in Section 19B-35 of this Act and Articles 17 and 18 of this Code shall apply to all ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except the votes shall be recorded

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1 without regard to precinct designation, except for precinct
2 offices.

3 (10 ILCS 5/19B-35 new)

Sec. 19B-35. Casting ballots; comparison of signatures; rejection of ballots. The tally judges shall cast the voter's ballots separately, and as each ballot is taken shall open the outer or carrier envelope, announce the voter's name, and compare the signature on the permanent voter registration record card taken from the master file with the signature upon the certification on the ballot envelope. In case the judges find the certification properly executed, that the signatures correspond, and that the applicant is a duly qualified elector, they shall open the envelope containing the ballot in such a manner as not to deface or destroy the certification, or mark or tear the ballots therein contained without unfolding or permitting the ballot to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the voter's name in the poll book the same as if the voter had been present and voted in person. The judges shall place the ballot certification envelopes in a separate envelope as per the direction of the election authority. The envelope containing the ballot certification envelopes shall be retained by the election authority and preserved in like manner as the official poll record.

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In case the signatures do not correspond, or that the voter is not a duly qualified elector, or that the ballot envelope is open or has been opened and resealed, without opening the envelope the judge of election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, the ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The voter's envelope, and the voter's envelope with its contents unopened when the vote is rejected, shall be retained and preserved in the manner now provided for the retention and preservation of official ballots rejected at the election.

(10 ILCS 5/19B-40 new)

Sec. 19B-40. Pollwatchers. On election day, pollwatchers shall be permitted to be present during the casting of the mail ballots, and the vote of any voter may be challenged for cause the same as if he or she were present and voted in person, and the tally judges or a majority of them shall have power and authority to hear and determine the legality of the ballot; provided, however, that if a challenge to any voter's right to vote is sustained, notice of the same must be given by the tally judges by mail addressed to the voter's place of residence.

Where ballots are counted on the day of the election in the office of the election authority as provided in Section 19B-30

of this Article, each political party, candidate, and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. The pollwatchers shall be subject to the same provisions as are proscribed for pollwatchers in Section 7-34 and 17-23 of this Code, and shall be permitted to observe the signature comparison between that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file.

10 (10 ILCS 5/19B-45 new)

Sec. 19B-45. Death of an elector before election day. Whenever it shall be made to appear by due proof to the tally judges that any elector who has marked and forwarded his or her ballot as provided in this Article has died before the date of the election, then the ballot of the deceased voter shall be retained by the tally judges in the same manner as provided for rejected ballots; but the casting of the ballot of a deceased voter shall not invalidate the election.

19 (10 ILCS 5/19B-50 new)

Sec. 19B-50. Application to jurisdiction using voting machines. In all jurisdictions in which voting machines are used, all the provisions of the Article relating to the furnishing of ballot boxes, printing, and furnishing official ballots and supplies in the number provided by law, the

- 1 canvassing of the ballots and making the proper return of the
- 2 result of the election shall, to the extent necessary to make
- 3 this Article effective, apply with full force and effect.
- 4 (10 ILCS 5/19B-55 new)
- 5 Sec. 19B-55. Adoption of rules for mail-in ballots. The
- 6 State Board of Elections shall conduct public hearings and
- adopt rules and procedures for the implementation of the use of
- 8 mail-in ballots within 270 days after the effective date of
- 9 this amendatory Act of the 95th General Assembly.
- 10 (b) In addition to any other duties prescribed by law, the
- 11 State Board of Elections shall:
- 12 (1) prescribe the form of materials to be used in the
- 13 conduct of mail-in ballot elections;
- 14 (2) establish procedures consistent with this Article
- for the conduct of mail-in ballot elections; and
- 16 (3) supervise the conduct of mail-in ballot elections.
- 17 (10 ILCS 5/19B-60 new)
- 18 Sec. 19B-60. Report. After the general primary election in
- 19 2008, the State Board of Elections must report to the General
- 20 Assembly on the problems and successes of conducting the
- 21 election with mail-in ballots.
- 22 (10 ILCS 5/24A-6) (from Ch. 46, par. 24A-6)
- 23 Sec. 24A-6. The ballot information, whether placed on the

ballot or on the marking device, shall, as far as practicable,

be in the order of arrangement provided for paper ballots,

except that such information may be in vertical or horizontal

rows, or in a number of separate pages. Ballots for all

questions or propositions to be voted on must be provided in

the same manner and must be arranged on or in the marking

7 device or on the ballot sheet in the places provided for such

8 purposes.

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When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates, ballots calling for a constitutional convention, constitutional ballots, judicial retention ballots, amendment measures, and all propositions to be voted upon may be placed on the electronic voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by differing colors as provided below. When an electronic voting system utilizes a ballot sheet, ballots calling for a constitutional convention, constitutional amendment ballots and judicial retention ballots shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of ballot which shall be printed in ink of a color distinct from the color of ink used in printing any other portion of the ballot sheet. Ballots for candidates, public measures and all other propositions to be voted upon shall be placed on the ballot sheet by providing a separate portion of the ballot sheet for each such kind of

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ballot. Below the name of the last candidate listed for an office shall be printed a line on which the name of a candidate may be written by the voter, and immediately to the left of such line an area shall be provided for marking a vote for such write-in candidate. More than one amendment to the constitution may be placed on the same ballot page or series of pages or on the same portion of the ballot sheet, as the case may be. label for constitutional conventions Ballot pages constitutional amendments shall be on paper of blue color and shall precede all other ballot label pages in the ballot label booklet. More than one public measure or proposition may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. More than one proposition for retention of judges in office may be placed on the same ballot label page or series of pages or on the same portion of the ballot sheet, as the case may be. Ballot label pages for candidates shall be on paper of white color, except that in primary elections the ballot label page or pages for the candidates of each respective political party shall be of the color designated by the election official in charge of the election for that political party's candidates; provided that the ballot label pages or pages for candidates for use at the nonpartisan and consolidated elections may be on paper of different colors, except blue, whenever necessary or desirable to facilitate distinguishing between the pages for different political subdivisions. On each page of the candidate

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booklet, where the election is made to list ballot information vertically, the party affiliation of each candidate or the word "independent" shall appear immediately to the left of the candidate's name, and the name of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of such nonpartisan candidates shall not include any party or "independent" designation. Ballot label pages for judicial retention ballots shall be on paper of green color, and ballot label pages for all public measures and other propositions shall be on paper of some other distinct and different color. In primary elections, a separate ballot label booklet, marking device and voting booth shall be used for each political party holding a primary, with the ballot label booklet arranged to include ballot label pages of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election. One ballot card may be used for recording the voter's vote or choice on all such ballots, proposals, public measures or propositions, and such ballot card shall be arranged so as to record the voter's vote or choice in a separate column or columns for each such kind of ballot, proposal, public measure or proposition.

If the ballot label booklet includes both candidates for

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office and public measures or propositions to be voted on, the 1 2 election official in charge of the election shall divide the 3 pages by protruding tabs identifying the division of the pages, and printing on such tabs "Candidates" and "Propositions". 4

The ballot card and all of its columns and the ballot card envelope shall be of the color prescribed for candidate's ballots at the general or primary election, whichever is being held. At an election where no candidates are being nominated or elected, the ballot card, its columns, and the ballot card envelope shall be of a color designated by the election official in charge of the election.

The ballot cards, ballot card envelopes and ballot sheets may, at the discretion of the election authority, be printed on white paper and then striped with the appropriate colors.

When ballot sheets are used, the various portions thereof shall be arranged to conform to the foregoing format.

Absentee ballots may consist of ballot cards, envelopes, paper ballots or ballot sheets voted in person in the office of the election official in charge of the election or voted by mail. Where a ballot card is used for voting by mail it must be accompanied by a punching tool or other appropriate marking device, voter instructions and a specimen ballot showing the proper positions to vote on the ballot card or ballot sheet for party, candidate, proposal, public measure proposition, and in the case of a ballot card must be mounted on a suitable material to receive the punched out chip.

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Ballots for use in the general primary election conducted under Article 19B may consist of ballot cards, envelopes, paper ballots, or ballot sheets. Where a ballot card is used for voting by mail it must be accompanied by a punching tool or other appropriate marking device, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card or ballot sheet for each candidate, proposal, public measure, or proposition, and in the case of a ballot card must be mounted on a suitable material to receive the punched out chip.

Any voter who spoils his ballot or makes an error may return the ballot to the judges of election and secure another. However, the protruding identifying tab for proposals for a constitutional convention or constitutional amendments shall have printed thereon "Constitutional Ballot", and the ballot label page or pages for such proposals shall precede the ballot label pages for candidates in the ballot label booklet.

(10 ILCS 5/24B-6)

(Source: P.A. 89-700, eff. 1-17-97.)

Sec. 24B-6. Ballot Information; Arrangement; Electronic Precinct Tabulation Optical Scan Technology Voting System; Absentee Ballots; Spoiled Ballots. The ballot information, shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows, or on a number of separate

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1 pages or displays on the marking device. Ballots for all

2 questions or propositions to be voted on should be provided in

a similar manner and must be arranged on the ballot sheet or

marking device in the places provided for such purposes.

Ballots shall be of white paper unless provided otherwise by

administrative rule of the State Board of Elections or

otherwise specified.

All propositions, including but limited not to propositions calling for a constitutional convention, constitutional amendment, judicial retention, and public measures to be voted upon shall be placed on separate portions of the ballot sheet or marking device by utilizing borders or grey screens. Candidates shall be listed on a separate portion of the ballot sheet or marking device by utilizing borders or grey screens. Below the name of the last candidate listed for an office shall be printed or displayed a line or lines on which the voter may select a write-in candidate. Such line or lines shall be proximate to an area provided for marking votes for the write-in candidate or candidates. The write-in lines for an office shall equal the number of candidates for which a voter may vote. More than one amendment to the constitution may be placed on the same portion of the ballot sheet or marking device. Constitutional convention or constitutional amendment propositions shall be printed or displayed on a separate portion of the ballot sheet or marking device and designated by borders or grey screens, unless

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otherwise provided by administrative rule of the State Board of Elections. More than one public measure or proposition may be placed on the same portion of the ballot sheet or marking device. More than one proposition for retention of judges in office may be placed on the same portion of the ballot sheet or marking device. Names of candidates shall be printed in black. party affiliation of each candidate or the "independent" shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office, on separate pages of the marking device, or as otherwise approved by the State Board of Elections. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. Judicial retention questions and ballot questions for all public measures and other propositions shall be designated by borders or grey screens on the ballot or marking device. In primary elections, a separate ballot, or displays on the marking device, shall be used for each political party holding a primary, with the ballot or marking device arranged to include names of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and

- 1 public measures or propositions to be voted on, the election
- 2 official in charge of the election shall divide the ballot or
- 3 displays on the marking device in sections for "Candidates" and
- 4 "Propositions", or separate ballots may be used.
- 5 Absentee ballots may consist of envelopes, paper ballots or
- 6 ballot sheets voted in person in the office of the election
- 7 official in charge of the election or voted by mail. Where a
- 8 Precinct Tabulation Optical Scan Technology ballot is used for
- 9 voting by mail it must be accompanied by voter instructions.
- 10 Ballots for use in the general primary election conducted
- 11 under Article 19B may consist of envelopes, paper ballots, or
- 12 ballot sheets. Where a Precinct Tabulation Optical Scan
- 13 Technology ballot is used for voting by mail it must be
- 14 accompanied by voter instructions.
- Any voter who spoils his or her ballot, makes an error, or
- has a ballot returned by the automatic tabulating equipment may
- 17 return the ballot to the judges of election and get another
- 18 ballot.
- 19 (Source: P.A. 93-574, eff. 8-21-03.)
- Section 10. The State Mandates Act is amended by adding
- 21 Section 8.31 as follows:
- 22 (30 ILCS 805/8.31 new)
- Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and
- 8 of this Act, no reimbursement by the State is required for

- 1 the implementation of any mandate created by this amendatory
- 2 Act of the 95th General Assembly.
- 3 Section 99. Effective date. This Act takes effect upon
- 4 becoming law.

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- 1 10 ILCS 5/24B-6
- 2 30 ILCS 805/8.31 new